

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,  
*Richmond, July 7, 1863.*

GENERAL ORDERS, }  
No. 95.

I. Before a General Court Martial, convened at the Camp of Brig. Gen. Paxton, by virtue of General Orders, No. 128, of 1862, per Head Quarters Department of Northern Virginia, was arraigned and tried:

Private M. RICKET, Company H, 27th Va. Infantry, on the following Charge:

CHARGE—Violation of the 52d Article of War.

FINDING.

Of the Specification,  
Of the Charge,

Guilty.  
Guilty.

SENTENCE.

To be shot to death with musketry.

II. Before a General Court Martial, convened at the Camp of Brig. Gen. F. Lee's Brigade, by virtue of General Orders, No. 12, current series, from Head Quarters Department of Northern Virginia, were arraigned and tried:

Privates WM. G. CLARKE and J. R. HUMPHREYS, of Capt. Buathed's Battery, Stuart's Horse Artillery, on the following Charge:

CHARGE—Violation of the 23d Article of War.

FINDING.

Of the Specification,  
Of the Charge,

Guilty.  
Guilty.

SENTENCE.

To be shot to death with musketry.

III. Before a General Court Martial, convened at the Camp of Maj. Gen. R. H. Anderson's Division, by virtue of General Orders, No. 133, of 1862, per Head Quarters Department of Northern Virginia, was arraigned and tried:

Private JOHN Q. CHILDRES, Company G, 5th Fla. Regiment, on the following Charge:

**CHARGE—Violation of the 52d Article of War.****FINDING.**

Of the Specification,  
Of the Charge,

Guilty.  
Guilty.

**SENTENCE.**

To be shot to death with musketry.

IV. Before a General Court Martial, convened at Savannah, Ga., by virtue of General Orders, No. 61, current series, Head Quarters Department S. C., Ga. and Fla., was arraigned and tried:

Private HENRY SMITH, Company E, 22d Battalion Ga. Artillery, on the following Charge:

**CHARGE—Violation of the 46th Article of War.****FINDING.**

Of the Specification,  
Of the Charge,

Guilty.  
Guilty.

**SENTENCE.**

To be shot to death with musketry.

V. The proceedings in the cases of Privates M. Ricket, Company H, 27th Va. Infantry, William G. Clarke and J. R. Humphreys, of Capt. Buathed's Battery, Stuart's Horse Artillery; John L. Childres, Company G, 5th Fla. Regiment, and Henry Smith, Company E, 22d Battalion Ga. Artillery, having been laid before the Secretary of War, for the decision of the President, the following orders are made thereon:

The several Articles of War, with the violation of which the above named are respectively charged, neither prescribe any duty or define and prohibit any offence. They simply pronounce punishments to be imposed for certain offences. The charge of a violation of such articles is too indefinite to justify punishment under it. The defect is fatal, and vitiates the whole proceedings; which are therefore set aside. The parties will be released from close confinement, and returned to duty; and it is hoped that their future conduct will be such as to prevent any regret that they should have thus escaped the fate to which they were sentenced.

VI. Before a General Court Martial, convened at Shelbyville, Tenn., by Special Orders, No. 54, from Head Quarters Army of Tennessee, was arraigned and tried:

Assistant Surgeon W. T. LOCKHART, P. A. C. S., on the following Charge:

CHARGE—Conduct prejudicial to good order and military discipline.

*Specification 1st*—For that the said Asst. Surg. W. T. Lockhart, at the Hospital of Withers' Division, in Shelbyville, Tenn., on the 26th day of March 1863, did harshly and capriciously curse and abuse one Private D. F. Halliburton, Company B, 12th Tenn. Regiment, he the said Halliburton then and there being a sentinel on guard duty.

The other Specifications are omitted, being nearly the same as the first.

#### FINDING.

Of the 3d Specification of the Charge, except the words "discharging his duty."	Guilty,
Of the 2d Specification, except the words "and knock down."	Guilty,
Of the 1st Specification, except the words "curse and."	Guilty,
Of the Charge,	Guilty.

#### SENTENCE.

To be dismissed the service.

VII. The proceedings in the above case having been laid before the Secretary of War, for the decision of the President, are approved; but in consideration of the mitigating circumstances in the case, and the recommendations on file, the sentence of the Court is remitted, and Asst. Surg. Lockhart will return to duty.

VIII. Before the General Court Martial, convened at Richmond, Va., by virtue of Special Orders, No. 23, current series, Head Quarters Department of Henrico, was arraigned and tried:

Captain W. S. REED, commanding the President's Guard, on the following Charges:

CHARGE 1st—Conduct unbecoming an officer and a gentleman.

CHARGE 2d—Violation of the 14th Article of War.

CHARGE 3d—Violation of the 42d Article of War.

CHARGE 4th—Violation of orders.

The Specifications are omitted, being numerous, and of mere detail.

#### FINDING.

Of the 1st Specification of the 1st Charge,	Not Guilty.
Of the 2d Specification of the 1st Charge,	Guilty.

Of the 3d Specification of the 1st Charge,	Guilty,
but attach no criminality thereto.	
Of the 4th Specification of the 1st Charge,	Guilty.
Of the 5th Specification of the 1st Charge,	Not Guilty.
Of the 1st Charge,	Not Guilty,
but guilty of unofficerlike and improper conduct.	
Of the Specification of the 2d Charge,	Not Guilty.
Of the 2d Charge,	Not Guilty.
Of the Specification of the 3d Charge,	Not Guilty.
Of the 3d Charge,	Not Guilty.
Of the 1st Specification of the 4th Charge,	Guilty.
Of the 2d Specification of the 4th Charge,	Guilty.
Of the 3d Specification of the 4th Charge,	Guilty.
Of the 4th Charge,	Guilty.

## SENTENCE.

To be dismissed the service.

IX. The proceedings in the above case having been laid before the Secretary of War, for the decision of the President, are approved; but in consideration of some mitigating circumstances, the sentence is commuted to suspension from rank, pay and emoluments, for ten days.

X. Before the Military Court attached to Lieut. General Polk's Corps, was arraigned and tried:

Second Lieut. H. J. BALLENTINE, 47th Tenn. Regiment, on the following Charge:

CHARGE—Violation of the 81st Article of War.

*Specification*—Charges that the accused did permit a number of prisoners to leave the guard house, and go to their respective quarters to sleep; which resulted in the escape of one of them.

## FINDING.

Of the Specification,	Guilty.
Of the Charge,	Guilty.

## SENTENCE.

To be dismissed the service.

XI. The proceedings in this case having been laid before the Secretary of War, for the decision of the President, are approved; but in consideration of the offence against military law, as shown by the evidence, being in this case rather an indiscretion than a crime, and of the distin-

guished gallantry of Lieut. Ballantine at the battles of Shiloh, Richmond, Kentucky, and Murfreesboro', upon the recommendation of the Court, and of his Commanding General, the sentence is remitted, and Lieut. Ballentine will return to duty.

XII. Before a Military Court attached to Lieut. General W. J. Hardee's Corps, was arraigned and tried:

First Lieut. ISRAEL P. GUY, 16th Ala. Regiment, on the following Charges:

CHARGE 1st—Desertion.

*Specification*—In this, that Israel P. Guy, First Lieutenant Captain Netherford's Company E, 16th Ala. Regiment, having received pay from the Confederate States, did, on or about the 23d day of December 1862, at Triune, Tenn., obtain leave to go, and was sent to the hospital at Chattanooga, Tenn., but instead of reporting to the hospital at Chattanooga, Tenn., went to his home in Franklin county, Ala., and did not return until the 29th day of March 1863.

CHARGE 2d—Conduct prejudicial to good order and military discipline.

The Specification is omitted, being substantially the same as that to the first Charge.

FINDING.

Of the Specification of the 1st Charge,	Guilty.
Of the 1st Charge,	Not Guilty
of desertion, but guilty of absence without leave.	
Of the Specification of the 2d Charge,	Guilty.
Of the 2d Charge,	Guilty.

SENTENCE.

To be dismissed the service.

XIII. The proceedings in this case having been laid before the Secretary of War, for the decision of the President, are approved; but in consideration of the recommendation of his brother officers and of the Commanding General, and their testimony to his previous good conduct, the sentence of dismissal from the service is remitted, but not the forfeiture of pay and allowances during the term of his unauthorized absence.

XIV. At a General Court Martial, convened at the Head Quarters of Major General R. H. Anderson's Division, by virtue of General Orders,

No. 133, of 1862, Department of Northern Virginia, was arraigned and tried:

Private GRIF. NUNNALLY, Company C, 41st Va. Regiment, on the following Charge:

CHARGE—Desertion.

The Specification is omitted.

FINDING.

Of the Specification,

Guilty.

Of the Charge,

Guilty.

SENTENCE.

To be shot to death with musketry.

XV. The proceedings in the above case having been laid before the President, the following is his decision:

That in consideration of facts appearing in the papers submitted on the appeal for a commutation of the sentence, the sentence is commuted to confinement with ball and chain, to be kept at hard labor, with only the necessary allowances, and without pay, until the expiration of his term of service.

By order.

S. COOPER,

*Adjutant and Inspector General.*